UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,481	08/29/2000	Curtis Wong	MS1-4828US	8554

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EXAMINER
SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2424	

NOTIFICATION DATE	DELIVERY MODE
09/23/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2009</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,7,16-18,20,22 and 24-33* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,7,16-18,20,22 and 24-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/07/09 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-3, 7, 16-18, 20, 22 and 24-33 have been considered but are moot in view of the new ground(s) of rejection.

With respect to rejection of the last office action mailed on 01/08/09, Applicant amends claims and further argues that the prior arts of record do not teach the amended claims limitations (see page 9+ of Applicant's Remarks).

In response, Examiner disagrees. Examiner notes Applicant's arguments, however, Shoff discloses a token application (Packet fig.3) that obtains a token that identifies a particular broadcast program (see fig.3), the token comprises a schema that is a multi-level data structure with a plurality of different fields (title, actor, cc, stereo, time, network, etc.,), the plurality of fields includes at least a program identifier (title, etc.) and a plurality of broadcast program characteristics (URL, Content Description, etc.,) that specifies different aspects of the particular broadcast program such that the

different aspects uniquely identify the particular broadcast program on a variety of

broadcast platforms and renders the components accordingly (col.4, line 56-col.5, line

23, line 61-col.6, line 67, col.7, lines 1-50 and col.12, line 48-col.13, line 1+). Shoff

teaches that data structure is transport between Viewer Computing Device 'VCD' 62,

and VCD-62, receives the data structure and identifies various portions of the data

structure, extracts the various portions as needed and renders the various portions

accordingly for presentation where necessary. Shoff teaches formatting, timing

instructions, etc. to enabling rendering of the content by a browser, enabling interactive

of various TV programs including enabling trivia game segment allows viewers to

compete against other regional competitors of available merchandise related to the

program to purchase items (col.11, lines 39-44 and col.12, lines 7-38). Each VCD

further generates specific data structure, which is communicated to other VCDs via a

central server (Web server) thereby permit other regional competitors to compete

against each other over the packet-based network. Shoff further teaches recording of

content (col.7, line 51-col.8, line 3), but silent as to a recording component which

schedules a recording of the particular broadcast program based at least in part on the

plurality of fields of the token and local programming data. However, **Hirata** discloses a

system for controlling an electronic device via a control command signal contained in an

electronic mail packet via Internet where the email packet identifies a program so that a

recording system receiving the packet is programmable to record the program, i.e., "...a

recording component which schedules a recording of the particular broadcast program

based at least in part on the plurality of fields of the token and local programming

data…" (figs.1, 10, col.5, ln.31-64, col.6, lines 40-55, col.7, line 11-45 and col.9, lines 5-

13). Hence, Applicant's amendments, do not overcome the prior arts of record as

discussed below. The amendments to the claims necessitated the new ground(s) for

rejection discussed below. **This office action is non-final.**

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-3, 7, 16, 18, 20, 22 and 25-33 are rejected under 35 U.S.C.

103(a) as being unpatentable over **Shoff et al (6,240,555)** in view of **Hirata (6,374,406)**.

As to claims 1-4, 6-9, 11-16, 18-23 and 25-26, **Shoff** discloses a system (figs.3

and 4) for representing at least one of an audio and visual program comprising:

A token (Packet fig.3) that obtains a token that identifies a particular broadcast

program (see fig.3), the token comprises a schema that is a multi-level data structure

with a plurality of different fields (title, actor, cc, stereo, time, network, etc.,), the plurality

of fields includes at least a program identifier (title, PID, etc.) and one or more broadcast

program characteristics (URL, Content Description, etc.,) that specifies different aspects

of the particular broadcast program, the program identifier uniquely identifies the

particular broadcast program universally across broadcast providers on a variety of

broadcast platforms and renders the components accordingly (col.4, line 56-col.5, line

23, line 61-col.6, line 67, col.7, lines 1-50 and col.12, line 48-col.13, line 1+), Note that

Shoff teaches that data structure is transport between Viewer Computing Device 'VCD'

62, and VCD-62, receives the data structure and identifies various portions of the data

structure, extracts the various portions as needed and renders the various portions

accordingly for presentation where necessary;

Shoff teaches including formatting, timing instructions, etc. to enabling rendering

of the content by a browser, enabling interactive of various TV programs including

enabling trivia game segment allows viewers to compete against other regional

competitors of available merchandise related to the program to purchase items (col.11,

lines 39-44 and col.12, lines 7-38); note that each VCD further generates specific data

structure, which is communicated to other VCDs via a central server (Web server)

thereby permit other regional competitors to compete against each other over the

packet-based network.

Shoff teaches recording of content (col.7, line 51-col.8, line 3), but silent as to a

recording component which schedules a recording of the particular broadcast program

based at least in part on the plurality of fields of the token and local programming data.

However, **Hirata** discloses a system for controlling an electronic device via a

control command signal contained in an electronic mail packet via Internet where the

email packet identifies a program so that a recording system receiving the packet is

programmable to record the program, i.e., "...a recording component which schedules a

recording of the particular broadcast program based at least in part on the plurality of

fields of the token and local programming data…" (figs.1, 10, col.5, In.31-64, col.6, lines 40-55, col.7, line 11-45 and col.9, lines 5-13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Hirata into the system of Shoff to enable a user to send an email packet for reservation of a recording on a recording device for later playback as desired.

Claim 7 is met as discussed with respect to claims 1-3.

As to claim 16, the claimed "A computer-readable medium having stored there…" is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

Claim 18 is met as previously discussed with respect to claims 1-3.

As to claim 20, the claimed "A system for facilitating programming of an associated device…" is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

As to claim 22, the claimed "A method for facilitating programming a recording system …" is composed of the same structural elements that were discussed with respect to the rejection of claims 1-3.

Claims 25 and 26 are met as previously discussed with respect to claims 1-3.

Claims 27-30 are met as previously discussed with respect to claims 1-3.

Claims 31-33 are met as previously discussed with respect to claims 1-3.

5.   Claims 10, 17 and 24 rejected under 35 U.S.C. 103(a) as being

unpatentable over **Shoff et al (6,240,555)** in view of **Hirata (6,374,406)** as applied to

claims 9, 16 and 23 above

As to claims 10, 17 and 24, **Shoff** as modified by **Hirata,** fail to teach including of

the token in an attachment to the email. However the examiner gives official notice that

it is notoriously well known in the art of electronic mail to use an attachment for the

purpose of transporting executable commands.

Therefore it is submitted that it would have been obvious to one of ordinary skill

in the art at the time the invention was made to use an attachment to transport the

control command string for the purpose of separating executables from the text portion

of messages.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to **ANNAN Q. SHANG** whose telephone number is

(571)272-7355. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

number for the organization where this application or proceeding is assigned is **571-**

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the **Electronic**

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a **USPTO Customer Service Representative** or access to the automated information

system, call **800-786-9199 (IN USA OR CANADA) or 571-272-1000.**

/Annan Q Shang/

Primary Examiner, Art Unit 2424

Annan Q. Shang